

HONORABLE RICHARD A. JONES

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOJO EJONGA,

Plaintiff,

v.

DANIEL T. SATTERBERG,

Defendant.

CASE NO. C12-575RAJ

ORDER

This matter comes before the court on the Report and Recommendation (“R&R”) of United States Magistrate Judge James P. Donohue. Dkt. # 11. The R&R recommends that the court dismiss the case without prejudice because, among other things, Plaintiff improperly requests that the court intervene in ongoing state court criminal proceedings.

In response to the R&R, Plaintiff filed a one-page “Order Dismissing Action.” Dkt. # 12. The court construes that document as a motion for voluntary dismissal of the case. Because Rule 41(a)(1)(A)(i) gives a plaintiff an absolute right to dismiss an action before a defendant has answered or moved for summary judgment, the court dismisses this action.

In the event that the court has misinterpreted Plaintiff’s one-page submission, the court holds in the alternative that it would have adopted the R&R and followed the recommendation to dismiss this case without prejudice.

1 Accordingly, the court acknowledges Plaintiff's voluntarily dismissal of this case
2 and directs the clerk to DISMISS this case without prejudice. The clerk shall give notice
3 of this order to Judge Donohue.

4 DATED this 16th day of July, 2012.

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7 The Honorable Richard A. Jones
8 United States District Court Judge
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